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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,998	10/24/2003	Graham Davis	TOMK0002	9351

25235 7590 01/10/2005
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EXAMINER

WRIGHT, ANDREW D

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,998

Applicant(s)

DAVIS, GRAHAM

Examiner

Andrew Wright

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed; may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 7, 11-15, 19-25 and 27-29 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 8-10, 16-18, 26 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. Applicant is advised that should claim 27 be found allowable, claim 2 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6, 7, 11-15, 19, 23-25, and 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Wagner et al. (US 3,661,114). Regarding claim 1, Wagner shows an amphibious vehicle with hull (1), fore and aft wheels (4-7), and sponsons (14, 17). The hull is the main floating body (column 3, line 52-53). The sponsons are at least indirectly connected to the sides of the hull. The sponsons are moveable relative to the body and wheels (figs 4-7). Figure 5 shows a position that constitutes a stowed position. Sponsons (14, 17) are adjacent to and located on the

sides of the hull. Figure 6 shows a deployed position. Sponsons (14, 17) are spaced from the sides of the hull and will necessarily provide additional stability to the hull.

4. Claim 2, at least a portion of the sponsons is longitudinally between the wheels in the stowed position. The claim does not recite that the entire length of the sponson is stored between the wheels, or that the sponsons are aligned with the wheels.

5. Claim 3, the wheels are on the hull.

6. Claim 6, the sponsons are parallel to the hull in both positions.

7. Claim 7, the sponsons are linked to the hull by pivoted arms (13, 18).

8. Claim 11, the wheels can be moved between stowed and deployed positions.

The ride height could be adjusted by adjusting the wheel height.

9. Claim 12, the wheels are pivotally mounted to the hull.

10. Claim 13, the vehicle has wheels for land driving. The vehicle has a propeller for water propulsion.

11. Claim 14, the flat top of the hull is a deck. Portions could be used to carry a load.

12. Claim 15, passenger cabin (2) is on the deck.

13. Claim 19, the hull has propeller tunnel (8).

14. Claim 21, the tunnel has a depth in the vehicle transverse direction that is greater than half the diameter of the propeller.

15. Claim 23, the vehicle has a main hull (1) and sponsons (14, 17). The hull is between the sponsons in the stowed position.

16. Claim 24, the flat top of the hull is a deck that can carry a load. The sponsons (14, 17) are below the deck in the stowed position (fig 5).

17. Claim 25, cabin (2) is integral on the deck (fig 1).
18. Claim 27, the vehicle has a main hull (1), wheels (4-7), and sponsons (14, 17).
At least a portion of the sponsons is longitudinally between the wheels in the stowed position. The claim does not recite that the entire length of the sponson is stored between the wheels, or that the sponsons are aligned with the wheels.
19. Claim 28, the flat top of the hull is a deck that can carry a load. The sponsons (14, 17) are below the deck in the stowed position (fig 5).
20. Claim 29, cabin (2) is integral on the deck (fig 1).

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 1, 19, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner et al. (US 3,661,114) in view of Bellezza Quarter et al. (US 6,116,972). Wagner shows a single propeller tunnel. Wagner does not show two tunnels and does not show flaps. Bellezza shows an amphibious vehicle with land propulsion track and water propulsion propellers. Bellezza shows two propellers, each in a respective tunnel. Bellezza shows pivoted flaps downstream of the tunnels. Furthermore, it is within the range of knowledge of the skilled artisan to use two propellers in stead of one. Dual-propeller propulsion is a well known and common

alternative to a single propeller. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Wagner by adding a second propeller, second propeller tunnel, and pivoted flaps. The motivation would be to enhance the maneuverability of the vehicle in the water.

Allowable Subject Matter

23. Claims 4, 5, 8-10, 16-18, 26, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

24. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

26. Any inquiry concerning this communication should be directed to examiner Andrew D. Wright at telephone number (703) 308-6841. The examiner can normally be reached Monday-Friday from 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano, can be reached at (703) 308-0230. The fax number for official communications is 703-872-9306. The fax number directly to the examiner for unofficial communications is 703-746-3548.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew D. Wright
Patent Examiner
Art Unit 3617

Av 1/5/15
ANDREW D. WRIGHT
PRIMARY EXAMINER